

## **REMARKS**

In the Office Action of July 25, 2007, the drawing were objected to because “Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.” The drawings were also objected to because “in Figs. 1 and 2 the blocks have not been properly labeled.” The Office Action has also reminded Applicant of the proper language and format for an abstract of the disclosure. The Office Action has also rejected claims 1-10 under 35 U.S.C. 103(a) as allegedly being unpatentable over Applicant’s admitted prior art in view of U.S. Patent Number 4,646,327 (hereinafter “Kojima et al.”).

With respect to the drawing objections, Applicant hereby submits a replacement sheet of drawings, which includes the legend “Prior Art” in Fig. 1 and labels for blocks in Figs. 1 and 2. As such, Applicant respectfully requests that the objection to the drawings be withdrawn.

With respect to the abstract of the disclosure, Applicant appreciates the suggestions made in the Office Action. However, Applicant respectfully declines to amend the current abstract.

With respect to the claim rejections, Applicant respectfully asserts that the independent claims 1 and 5 are not obvious in view of Applicant’s admitted prior art and Kojima et al., as explained below. In responding to the Office Action, Applicant has amended claims 1, 5 and 9 to correct minor errors. In addition, new dependent claims 10 and 11 have been added. In view of the following remarks, Applicant respectfully requests the allowance of the amended independent claims 1 and 5, as well as the dependent claims 2-4 and 6-11.

A. Patentability of Amended Independent Claims 1 and 5

The independent claims 1 and 5 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Applicant's admitted prior art in view of Kojima et al. However, combining the teachings of Applicant's admitted prior art and Kojima et al. in the manner suggested in the Office Action would result in a data carrier that will not produce the desired load-modulated signal S. Thus, Applicant respectfully asserts that the amended independent claims 1 and 5 are not obvious in view of Applicant's admitted prior art and Kojima et al.

As stated on page 5, the Office Action has interpreted the combination of the waveform shaping apparatus 11 and the low-pass filter 13, which are shown in Fig. 2 of Kojima et al., as the claimed signal-edge influencing means. As illustrated in Figs. 3A-3F, the waveform shaping apparatus 11 processes input data, e.g., the data "1", and produces output signal, e.g., the output signal of Fig. 3F. As illustrated in Fig. 3F, the output signal may include more than two levels, e.g., levels -1, 0, 1, 2 and 3.

The data carrier 1 in accordance with Applicant's admitted prior art operates to produce a load-modulated signal S using data signal DS from the data signal source 9, as illustrated in Fig. 1 and described in the paragraph beginning at line 19 on page 5 of Applicant's disclosure. The data signal DS is applied to the gate terminal of a field effect transistor 11 to produce the load-modulated signal S. As described on 5, lines 9-13, of Applicant's disclosure, the data signal DS "is digital in nature and, accordingly, essentially has either a first voltage value corresponding to the reference potential GND or a second voltage value corresponding to the supply voltage V, wherein, between these two voltage values, surge-like data signal edges occur so that an essentially spike-like slope characteristic of these signal edges occurs." Consequently, in order to produce the desired load-modulated signal S, a data signal having two voltage values are needed. Since the output signal of the waveform shaping apparatus 11 of Kojima et al. produces a signal having more than two levels, a modified data carrier that includes the waveform shaping apparatus 11 will not produced the desired load-modulated signal S. Thus, Applicant respectfully asserts that it is not obvious to include the waveform shaping apparatus 11 and the low-pass filter 13 of Kojima et al. into the data carrier in accordance with Applicant's admitted

prior art, as suggested in the Office Action. As such, Applicant respectfully requests that the amended independent claims 1 and 5 be allowed.

**B. Patentability of Dependent Claims 2-4 and 6-11**

Each of the dependent claims 2-4 and 6-11 depends on one of the amended independent claims 1 and 5. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

As an example, the new dependent claims 10 and 11 recites “*the modulation means includes a transistor with a control terminal, and the signal-edge influencing means includes a resistor connected to the control terminal of the transistor and a capacitor connected to the control terminal of the transistor and ground,*” which is not disclosed in Applicant’s admitted prior art or in the cited reference of Kojima et al. Thus, the new dependent claims 10 and 11 are not obvious in view of Applicant’s admitted prior art and Kojima et al.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Ewald Bergler

Date: October 25, 2007

By: /thomas h. ham/  
Thomas H. Ham  
Registration No. 43,654  
Telephone: (925) 249-1300